

## REMARKS

### I. Introduction

Claims 1-20 are pending in the application. In the final Office Action dated Aug. 28, 2007, the Examiner rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,544,250 ("Urbanski") in view of U.S. Pat. No. 4,630,304 ("Borth"). In this Amendment, claims 1, 4, 8, 10, 14, and 15 have been amended and claims 18-20 have been cancelled.

### II. The Proposed Combinations Do Not Render Claims 1 and 4 Unpatentable

Claims 1 and 4 were rejected as being unpatentable over Urbanski in view of Borth. In the Office Action, the Examiner asserts that Urbanski teaches each element of claims 1 and 4, except for a received speech signal and a distinct background sound level signal, which the Examiner asserts is taught in Borth. In support of this assertion, the Examiner states "Borth teaches effectively subtracting an estimate of the background noise signal from the noise speech signal, where *a first microphone* picks up a signal with both noise and speech and *a second microphone* that picks up only the background noise, Borth col 1 lines 25.39." (emphasis added).

Independent claims 1 and 4 have been amended to recite that a speech communication apparatus does not comprise more than one microphone. For at least this reason, the proposed combination of Urbanski and Borth as contemplated by the Examiner necessarily cannot render independent claims 1 and 4, or any claim that depends on claims 1 and 4, unpatentable.

### III. The Proposed Combinations Do Not Render Claims 8, 10, and 14

Claims 8, 10, and 14 were rejected as being unpatentable over Urbanski in view of Borth. In the Office Action, the Examiner asserts that Urbanski teaches each element of claims 8, 10, and 14, except for a received speech signal and a distinct background sound level signal, which the Examiner asserts is taught in Borth. In support of this assertion, the Examiner states "Borth teaches effectively subtracting an estimate of the background noise signal from the noise speech signal, where a first microphone picks

up a signal with both noise and speech and a second microphone that picks up only the background noise, Borth col 1 lines 25.39."

Independent claims 8, 10, and 14 have been amended to recite that a received speech signal to be outputted by a speaker of the speech communication apparatus, whose gain is adjusted based on a detected background sound level, is not created by a microphone of the speech communication apparatus. For at least this reason, the proposed combination of Urbanski and Borth as contemplated by the Examiner necessarily cannot render independent claims 8, 10, and 14, or any claims that depend on claims 8, 10, and 14, unpatentable.

#### IV. Conclusion

In view of the foregoing remarks and amendments to the claims, Applicants submit that the pending claims are in condition for allowance. Reconsideration is therefore respectfully requested. If there are any questions concerning this Response, the Examiner is asked to phone the undersigned attorney at (312) 321-4200.

Respectfully submitted,



\_\_\_\_\_  
Scott W. Brim  
Registration No. 51,500  
Attorney for Applicants

BRINKS HOFÉR GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200